

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

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CORNELIUS HILL	:	
and	:	
TRUDIE HASTINGS HILL H/W	:	
Plaintiffs	:	
v.	:	
Schiffahrtsgesellschaft MS Priwall	:	No. 02-CV-2713
mbH & Co. KG	:	
and	:	
Reederei F. Laeisz G.m.b.h.,	:	
Rostock	:	

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**NOTICE OF MOTION**

To: Charles W. McCammon, Esquire  
Rawle & Henderson LLP  
The Widener Building  
One South Penn Street  
Philadelphia, PA 19107

Please take notice that the enclosed Motion to Compel is  
being filed with the Clerk's Office.

If you wish to oppose this Motion, you should do so in  
accordance with the local rules of civil procedure.

E. ALFRED SMITH & ASSOCIATES

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E. Alfred Smith  
Attorney for Plaintiffs

UNITED STATES DISTRICT COURT FOR THE  
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and	:	
Reederei F. Laeisz G.m.b.h.,	:	
Rostock	:	
	:	

**ORDER**

AND NOW, THIS                      day of                      , 2003  
upon consideration of Plaintiffs' Motion and any opposition  
thereto, it is hereby **ORDERED** that defendants, within 10 days of  
the date hereof, shall fully and completely answer Plaintiffs'  
Interrogatory No. 13 (directed to Schiffahrtsgesellschaft MS  
Priwall mbH & Co., KG) under oath or, in default thereof,  
defendants' Affirmative Defense that this Court lacks personal  
jurisdiction shall be considered waived.

\_\_\_\_\_  
J.

UNITED STATES DISTRICT COURT FOR THE  
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Reederei F. Laeisz G.m.b.h.,	:	
Rostock	:	
	:	

**PLAINTIFF'S MOTION TO COMPEL**

Plaintiffs, Cornelius Hill and Trudie Hastings Hill, move this Court for an Order compelling Defendants to more specifically answer an interrogatory or waive their defense of lack of personal jurisdiction and aver in support thereof the following:

1. By Order dated March 17, 2003 defendants were ordered to answer 25 interrogatories designated by plaintiffs, and the answers were to be under oath.

2. Plaintiffs promptly designated the 25 interrogatories and defendants served sworn answers in a timely fashion.

3. Defendants have failed to answer one interrogatory, and this is important to plaintiffs' preparation of their case.

4. Defendants have raised lack of personal jurisdiction as an affirmative defense, and plaintiffs have the right to conduct discovery on this issue.

5. In answer to interrogatory no. 13 (to Laeisz) defendant Laeisz sets forth the usual litany of facts normally asserted to make the defense of lack of personal jurisdiction.

6. Plaintiffs' Interrogatory No. 13 (to Priwall) asks, "Set forth the dates when PRIWALL (or SEA PANTHER) came to Philadelphia to load or discharge cargo during the 5 years prior to February 2001" and defendants' answer is "Plaintiff's counsel can obtain this information through the Maritime Exchange."

7. The information sought by Interrogatory No. 13 (to Priwall) is easily available in defendants' records and can be made available to plaintiffs' under oath, without much difficulty. It simply takes a little effort on counsel's part to get it from his client.

8. Plaintiffs' Interrogatory was framed as an easy, efficient way to obtain facts, under oath, which would be used to defeat a Motion to Dismiss based on lack of personal jurisdiction.

9. Defendants' answer gives no information whatsoever but refers plaintiffs to the Maritime Exchange.

10. There is no valid reason why plaintiffs should have to subpoena someone from the Maritime Exchange to research its records and appear for a deposition to testify under oath with respect to this information just because defendants don't want to take a few minutes to develop this information and give it to plaintiffs, under oath, so it can be used when defendants challenge the Court's jurisdiction.

11. When plaintiffs' counsel discussed this with defense counsel, defense counsel made it clear that he considered his answer to be appropriate and would not change it.

WHEREFORE, plaintiffs request that the Court grant the relief requested.

E. ALFRED SMITH & ASSOCIATES

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E. Alfred Smith  
Attorney for Plaintiffs

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and	:	
Reederei F. Laeisz G.m.b.h.,	:	
Rostock	:	
and	:	
Crowley American Transport, Inc.	:	<b>JURY TRIAL DEMANDED</b>
Defendants	:	

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**MEMORANDUM OF LAW**

For the reasons set forth in Plaintiffs' Motion, plaintiffs submit that the Motion should be granted.

Respectfully,

E. ALFRED SMITH & ASSOCIATES

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E. Alfred Smith  
Attorney for Plaintiffs  
Cornelius Hill and Trudie Hastings  
Hill

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he has, on this date, caused a true and correct copy of Plaintiffs' Motion to Compel to be served by first class mail, postage prepaid, on the date listed below upon the following party or counsel of record:

Charles W. McCammon, Esquire  
Rawle & Henderson LLP  
The Widener Building  
One South Penn Street  
Philadelphia, PA 19107  
Counsel for Defendants  
Schiffahrtsgesellschaft MS Priwall mbH & Co. KG  
Reederei F. Laeisz G.m.b.h., Rostock

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E. Alfred Smith  
Attorney for Plaintiffs  
Cornelius Hill and Trudie Hastings  
Hill

Date: